

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Timothy Landin Rodriguez v David A Merchant**
Docket No. **295752**
L.C. No. **06-000316-NM**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because neither the November 9, 2009 order nor the December 1, 2009 order is a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, even if either of those orders were a final order, the claim of appeal was not timely filed as to either of those orders. MCR 7.204(A)(1)(a)-(b). At this time, appellants may seek to appeal either the November 9, 2009 order or the December 1, 2009 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 26 2010
Date

Sandra Schultz Mengel
Chief Clerk